

## ESTATE OF EMIL A. PESHEK

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JUNE 27, 1952.—Ordered to be printed

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Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

## REPORT

[To accompany H. R. 4891]

The Committee on the Judiciary, to which was referred the bill (H. R. 4891) for the relief of the estate of Emil A. Peshek, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

## PURPOSE

The purpose of the proposed legislation is to pay the sum of \$1,500 to the estate of Emil A. Peshek, deceased, in full settlement of all claims against the United States for medical and funeral expenses and the death of Emil A. Peshek caused by injuries received in an accident involving a United States mail truck, in November 1940, in Pittsburgh, Pa.

## STATEMENT

At about 1:30 p. m. on November 30, 1940, regular mail carrier Frank J. Deuerling, assigned to parcel-post delivery and using a United States mail truck, stopped his truck at No. 1414 Gardner Street and made a delivery at that address. In order to make his next delivery it was necessary for him to turn, but instead of driving around the block he backed around the corner. As the rear end of the truck entered the street he was attempting to reach, he heard a groan and found that the truck had struck a man later identified as Emil A. Peshek, then 78 years of age and residing at 1336 Diana Street, Pittsburgh, Pa. Mr. Peshek was removed to the Allegheny General Hospital where it was found that he suffered a fracture of the right leg at the thigh.

Subsequently on or about January 21, 1941, Mr. Peshek contracted pneumonia and died on January 24, 1941.

A study of the Post Office Department's report written by Mr. M. V. Brown, post-office inspector, and dated May 15, 1941, indicates that the pedestrian had the right of way as he was on the cross walk and traffic was not controlled by a peace officer or traffic signal. It was the carrier's duty to see that proper warning was given and that he could back without endangering any pedestrian.

Section 1012 of the Pennsylvania Vehicle Code reads in part as follows:

(a) The driver of any vehicle upon a highway, before starting, stopping, or turning from a direct line, shall first see that such movement can be made in safety, and, if any pedestrian may be affected by such movement, shall give a clearly audible signal by sounding the horn, \* \* \*

Although the report shows that the driver of the truck did look back to determine whether or not there was any obstruction, there was no sounding of the horn.

The committee is of the opinion that the bill is meritorious and that there is negligence on the part of the Government employee as regards this accident. It is therefore recommended that H. R. 4891 be considered favorably.

House Report No. 2111 contains a complete résumé of all the facts incident to this accident, and, together with the report of the Postmaster General, is included herein by reference.